

I certify that the attached is a true and correct copy of 2198 # 22, which was filed of record on 1-11-83 and referred to the committee on:

State Affairs

Betsy Messing
Chief Clerk of the House

FILED JAN 11 1983

1983 FEB 11 AM 9:48
HOUSE OF REPRESENTATIVES

By Watson / E. Barton

H J.R. No. 22

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the per diem
2 allowance for members of the legislature.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. That Article III, Section 24, of the Texas
5 Constitution be amended to read as follows:

6 Sec. 24. Members of the Legislature shall receive from the
7 Public Treasury a salary of Six Hundred Dollars (\$600) per month.
8 Each member shall also receive a per diem [~~of Thirty Dollars (\$30)~~]
9 for each day during each Regular and Special Session of the
10 Legislature equal to the per diem provided by law for state
11 officials generally when travelling on official business. No
12 Regular Session shall be of longer duration than one hundred and
13 forty (140) days.

14 In addition to the per diem the Members of each House shall
15 be entitled to mileage at the same rate as prescribed by law for
16 employees of the State of Texas. [~~This amendment takes effect on~~
17 ~~April 22, 1975.~~]

18 SECTION 2. That the following temporary provision be added
19 to the Texas Constitution:

20 TEMPORARY PROVISION: The constitutional amendment proposed
21 by J.R. No. , 68th Legislature, Regular Session, 1983,
22 takes effect January 8, 1985. This provision expires when
23 executed.

24 SECTION 3. This proposed constitutional amendment shall be

1 submitted to the voters at an election to be held November 6, 1984.
2 The ballot shall be printed to provide for voting for or against
3 the proposition: "The constitutional amendment to give members of
4 the legislature the same per diem allowance as other state
5 officials."

By Watson, et al.

H.J.R. No. 22

Substitute the following for H.J.R. No. 22:

By Ceverha

C.S.H.J.R. No. 22

A JOINT RESOLUTION

proposing a constitutional amendment relating to the per diem for members of the legislature.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article III, Section 24, of the Texas Constitution be amended to read as follows:

Sec. 24. (a) Members of the Legislature shall receive from the Public Treasury a salary of Six Hundred Dollars (\$600) per month. Each member shall also receive a per diem ~~[of--Thirty Dollars--(\$30)]~~ for each day during each Regular and Special Session of the Legislature. The per diem allowed during a calendar year is in an amount equal to the maximum daily amount allowed as of January 1 of that year for federal income tax purposes as a deduction for ordinary and necessary business expenses incurred by a state legislator, disregarding any exception in federal law for legislators residing near the capitol.

(b) No Regular Session shall be of longer duration than one hundred and forty (140) days.

(c) In addition to the per diem the Members of each House shall be entitled to mileage at the same rate as prescribed by law for employees of the State of Texas. ~~[This-amendment-takes--effect on--April--22--1975-]~~ This amendment takes effect on January 8, 1985.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 6,

1 1984. The ballot shall be printed to provide for voting for or
2 against the proposition: "The constitutional amendment to provide
3 a per diem for members of the legislature equal to the maximum
4 daily amount allowed by federal law as a deduction for ordinary and
5 necessary business expenses incurred by a state legislator."

James D. Lee Sutton
Oliver Kemp
Crockett Kingsley
D. Hudson T. Hall
Buchanan Grisham
Burnett Rangel
Salinas Delco
S. Thompson A. Moreno

By Watson / F. Barton

21 J.R. No. 22

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7 Public Treasury a salary of Six Hundred Dollars (\$600) per month.
8 Each member shall also receive a per diem [~~of Thirty Dollars (\$30)~~]
9 for each day during each Regular and Special Session of the
10 Legislature equal to the per diem provided by law for state
11 officials generally when travelling on official business. No
12 Regular Session shall be of longer duration than one hundred and
13 forty (140) days.

14 In addition to the per diem the Members of each House shall
15 be entitled to mileage at the same rate as prescribed by law for
16 employees of the State of Texas. [~~This amendment takes effect on~~
17 ~~April 22, 1975.~~]

18 SECTION 2. That the following temporary provision be added
19 to the Texas Constitution:

20 TEMPORARY PROVISION: The constitutional amendment proposed
21 by J.R. No. , 68th Legislature, Regular Session, 1983,
22 takes effect January 8, 1985. This provision expires when
23 executed.

24 SECTION 3. This proposed constitutional amendment shall be

HOUSE
1983 MAY 23
COMMITTEE REPORT
HOUSE OF REPRESENTATIVES
1st Printing

By Watson, et al.

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(b) No Regular Session shall be of longer duration than one hundred and forty (140) days.

(c) In addition to the per diem the Members of each House shall be entitled to mileage at the same rate as prescribed by law for employees of the State of Texas. ~~[This amendment takes effect on--April--22,--1975.]~~ This amendment takes effect on January 8, 1985.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 6,

1 1984. The ballot shall be printed to provide for voting for or
2 against the proposition: "The constitutional amendment to provide
3 a per diem for members of the legislature equal to the maximum
4 daily amount allowed by federal law as a deduction for ordinary and
5 necessary business expenses incurred by a state legislator."

COMMITTEE REPORT

4-25-83

(date)

The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON STATE AFFAIRS, to whom was referred HIR 22 have had the same under consideration and beg to report back with the recommendation that it (measure)

- () do pass, without amendment.
() do pass, with amendment(s).
(X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes () no

An author's fiscal statement was requested. () yes (X) no

An actuarial analysis was requested. () yes (X) no

The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.

This measure (X) proposes new law. An amendment to the Constitution
() amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.			X	
Ceverha, V.C.	X			
Millsap, C.B.O.	X			
Bomer	X			
Bush	X			
Davis	X			
Gilley				X
Green	X			
Hill, P.	X			
Horn	X			
Keller	X			
Pennington				X
Short	X			
Smith, C.		X		
Stiles	X			

Total

11 aye

1 nay

1 present, not voting

2 absent

CHAIRMAN

COMMITTEE COORDINATOR

C.S.H.J.R. 22
By: Ceverha
H.J.R. 22
By: Watson

Committee on State Affairs

BILL ANALYSIS

Background

The Texas Constitution currently sets the per diem of members of the legislature at \$30 per day for every day the legislature is in session.

Purpose and Synopsis

This resolution proposes to amend Article III, Section 24, of the Texas Constitution so that the per diem allowed members of the legislature during a calendar year is in an amount equal to the maximum daily amount allowed as of January 1 of that year for federal income tax purposes as a deduction for ordinary and necessary business expenses incurred as a state legislator, disregarding any exception in federal law for legislators residing near the capitol. Sets forth that this amendment takes effect on January 8, 1985 and prescribes that this proposed amendment be submitted to the voters at an election to be held on November 6, 1984.

Rulemaking Authority

It is the committee's opinion that this bill does not delegate rulemaking authority to a state officer, agency, department or institution.

Summary of Committee Action

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives and a public hearing was held on February 14, 1983.

The bill was referred to a subcommittee consisting of the following members: Mr. Ceverha-Chairman, Mr. Gilley, and Mr. Smith. On April 11, 1983 the measure was reported to the full committee with a complete substitute.

On April 25, 1983 the full committee voted to report H.J.R. 22 to the House with a complete substitute and the recommendation that it do pass by a record vote of 11 ayes and 1 nay.

Comparison of Original Bill to Substitute

- 1) The original bill set the per diem at a figure equal to the per diem provided by law for state officials when travelling on official business. The substitute omits this language and sets the per diem in an amount equal to the maximum daily amount allowed as a deduction for federal income tax purposes for ordinary and necessary business expenses.
- 2) The original bill set forth in a temporary provision an effective date of January 8, 1985. The substitute adds language setting forth the same effective date but omits the temporary provision.
- 3) The substitute omits the wording of the ballot in the original bill and prescribes that the ballot be printed in accordance with the language in Section 1 of the substitute.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 2, 1983

Honorable James E. (Pete) Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: Committee Substitute for
House Joint Resolution No. 22

Sir:

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 22 (proposing a constitutional amendment relating to the per diem allowance for members of the legislature) this office has determined the following:

The resolution proposes to change the per diem of legislators, while in session, from \$30 per day to an amount "equal to the maximum daily amount allowed as of January of that year for federal income tax purposes as a deduction for ordinary and necessary business expenses incurred by a state legislator, disregarding any exception in federal law for legislators residing near the Capitol." This amount is presently \$75 per day.

The cost associated with the proposed amendment would depend on the number of days the legislature is in session during any year and the amount established as being deductible for federal income taxes for that year.

The cost of publication of this resolution is \$62,950.


Jim Oliver
Director

Source: LBB Staff: JO, HS, JH, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

February 14, 1983

Honorable Pete Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: House Joint Resolution No. 22
By: Watson/E. Barton

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 22 (proposing a constitutional amendment relating to the per diem allowance for members of the legislature) this office has determined the following:

If the Legislature approves the proposed amendment for placement on the ballot, a cost for publication would be incurred. The cost of publication of resolutions, prior to election, has been included for the Secretary of State in the General Appropriations Bill, as introduced. The funding would cover the costs of publishing approximately nine amendment summaries. If more than nine constitutional amendments are proposed by the Legislature, it would be necessary to increase the general appropriation for advertising each additional constitutional amendment by approximately \$62,950.


The resolution proposes to change the per diem of legislators, while in session, from \$30 per day to an amount "equal to the per diem provided by law for state officials generally when traveling on official business."

The General Appropriations Bill, as introduced, states that

"Judicial officers authorized by law and executive heads of state agencies...shall be reimbursed for their actual meals, lodging and airport parking fees (exclusive of expenses related to personally owned automobiles and commercial transportation which shall be paid as provided under other sections of this Article) when traveling on official business either in or out of the State." (page V-42, section 15.a.)

At present, legislators may receive actual expenses while on state business during the interim. The present policy of the House is to limit the amount to \$60 per day, the maximum permitted state employees by the General Appropriations Act. If that policy should be adopted for sessions, under this proposed amendment, the amount would be \$70 per day, as set forth in the General Appropriations Bill, as introduced, and would be subject to change with each appropriation bill enactment, or with a change in the policy adopted by the House.

Because the additional cost associated with the proposed amendment would depend upon future actions of the Legislature in the appropriations act and in the policies adopted by the two houses, the dollar amount of the increase in cost in each of the five years following enactment of the amendment, and thereafter, cannot be ascertained for purposes of this fiscal note.


Jim Oliver
Director

Source: LBB Staff: JO, HS, JH, PA

By Watson

H.J.R. No. 22

Substitute the following for H.J.R. No. 22:

By Coverha

C.S.H. J.R. No. 22

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the per diem for
2 members of the legislature.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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5 Constitution be amended to read as follows:

6 Sec. 24. (a) Members of the Legislature shall receive from
7 the Public Treasury a salary of Six Hundred Dollars (\$600) per
8 month. Each member shall also receive a per diem [~~of--Thirty~~
9 ~~Dollars--(\$30)]~~ for each day during each Regular and Special Session
10 of the Legislature. The per diem allowed during a calendar year is
11 in an amount equal to the maximum daily amount allowed as of
12 January 1 of that year for federal income tax purposes as a
13 deduction for ordinary and necessary business expenses incurred by
14 a state legislator, disregarding any exception in federal law for
15 legislators residing near the capitol.

16 (b) No Regular Session shall be of longer duration than one
17 hundred and forty (140) days.

18 (c) In addition to the per diem the Members of each House
19 shall be entitled to mileage at the same rate as prescribed by law
20 for employees of the State of Texas. [~~This amendment takes effect~~
21 ~~on April 22, 1975.~~] This amendment takes effect on January 8, 1985.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held on November 6,
24 1984. The ballot shall be printed to provide for voting for or

1 against the proposition: "The constitutional amendment to provide
2 a per diem for members of the legislature equal to the maximum
3 daily amount allowed by federal law as a deduction for ordinary and
4 necessary business expenses incurred by a state legislator."

HOUSE ENGROSSMENT

33 MAY -9 PM 9:06

HOUSE OF REPRESENTATIVES

By Watson, et al.

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 2, 1983

Honorable James E. (Pete) Laney, Chair
Committee on State Affairs
House of Representatives
Austin, Texas

In Re: Committee Substitute for
House Joint Resolution No. 22

Sir:

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 22 (proposing a constitutional amendment relating to the per diem allowance for members of the legislature) this office has determined the following:

The resolution proposes to change the per diem of legislators, while in session, from \$30 per day to an amount "equal to the maximum daily amount allowed as of January of that year for federal income tax purposes as a deduction for ordinary and necessary business expenses incurred by a state legislator, disregarding any exception in federal law for legislators residing near the Capitol." This amount is presently \$75 per day.

The cost associated with the proposed amendment would depend on the number of days the legislature is in session during any year and the amount established as being deductible for federal income taxes for that year.

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Jim Oliver
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LEGISLATIVE BUDGET BOARD

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The resolution proposes to change the per diem of legislators, while in session, from \$30 per day to an amount "equal to the per diem provided by law for state officials generally when traveling on official business."

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"Judicial officers authorized by law and executive heads of state agencies...shall be reimbursed for their actual meals, lodging and airport parking fees (exclusive of expenses related to personally owned automobiles and commercial transportation which shall be paid as provided under other sections of this Article) when traveling on official business either in or out of the State." (page V-42, section 15.a.)

At present, legislators may receive actual expenses while on state business during the interim. The present policy of the House is to limit the amount to \$60 per day, the maximum permitted state employees by the General Appropriations Act. If that policy should be adopted for sessions, under this proposed amendment, the amount would be \$70 per day, as set forth in the General Appropriations Bill, as introduced, and would be subject to change with each appropriation bill enactment, or with a change in the policy adopted by the House.

Because the additional cost associated with the proposed amendment would depend upon future actions of the Legislature in the appropriations act and in the policies adopted by the two houses, the dollar amount of the increase in cost in each of the five years following enactment of the amendment, and thereafter, cannot be ascertained for purposes of this fiscal note.


Jim Oliver
Director

Source: LBB Staff: JO, HS, JH, PA

ADOPTED

MAY 9 1983

Betty Murray
Chief Clerk
House of Representatives

By Watson

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Substitute the following for H.J.R. No. 22:

By *Coverha*

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7 the Public Treasury a salary of Six Hundred Dollars (\$600) per
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12 January 1 of that year for federal income tax purposes as a
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14 a state legislator, disregarding any exception in federal law for
15 legislators residing near the capitol.

16 (b) No Regular Session shall be of longer duration than one
17 hundred and forty (140) days.

18 (c) In addition to the per diem the Members of each House
19 shall be entitled to mileage at the same rate as prescribed by law
20 for employees of the State of Texas. [~~This amendment takes effect~~
21 ~~on April 22, 1975.~~] This amendment takes effect on January 8, 1985.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held on November 6,
24 1984. The ballot shall be printed to provide for voting for or

1 against the proposition: "The constitutional amendment to provide
2 a per diem for members of the legislature equal to the maximum
3 daily amount allowed by federal law as a deduction for ordinary and
4 necessary business expenses incurred by a state legislator."

1 By: Watson, et al. (Senate Sponsor - Jones, Brooks) H.J.R. No. 22
2 (In the Senate - Received from the House May 10, 1983;
3 May 11, 1983, read first time and referred to Committee on State
4 Affairs; May 19, 1983, reported favorably; May 19, 1983, sent to
5 printer.)

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35 necessary business expenses incurred by a state legislator."

36 * * * * *

37 Austin, Texas
38 May 19, 1983

39 Hon. William P. Hobby
40 President of the Senate

41 Sir:

42 We, your Committee on State Affairs to which was referred H.J.R.
43 No. 22, have had the same under consideration, and I am instructed
44 to report it back to the Senate with the recommendation that it do
45 pass and be printed.

46 Farabee, Chairman

H.J.R. 22 by Watson (Jones and Brooks)

Proposing a constitutional amendment relating to the per diem for members of the legislature.

Background Information:

The Texas Constitution currently sets the per diem of members of the legislature at \$30 per day for every day the legislature is in session.

Purpose:

This resolution proposes to amend Article III, Section 24, of the Texas Constitution so that the per diem allowed members of the legislature during a calendar year is in an amount equal to the maximum daily amount allowed as of January 1 of that year for federal income tax purposes as a deduction for ordinary and necessary business expenses incurred as a state legislator, disregarding any exception in federal law for legislators residing near the capitol. This amount is presently \$75.00 per day.

Section by Section Analysis:

SECTION 1: Amends Article III, Section 24, Texas Constitution by changing the per diem of legislators, while in session, from \$30 per day to an amount "equal to the maximum daily amount allowed as of January of that year for federal income tax purposes as a deduction for ordinary and necessary business expenses incurred by a state legislator, disregarding any exception in federal law for legislators residing near the Capitol."

This amendment takes effect on January 8, 1985.

SECTION 2: This proposed amendment is to be submitted to the voters at an election to be held November 6, 1984.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 2, 1983

Honorable James E. (Pete) Laney, Chair
Committee on State Affairs
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Austin, Texas

In Re: Committee Substitute for
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The cost associated with the proposed amendment would depend on the number of days the legislature is in session during any year and the amount established as being deductible for federal income taxes for that year.

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Jim Oliver
Director

Source: LBB Staff: JO, HS, JH, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

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At present, legislators may receive actual expenses while on state business during the interim. The present policy of the House is to limit the amount to \$60 per day, the maximum permitted state employees by the General Appropriations Act. If that policy should be adopted for sessions, under this proposed amendment, the amount would be \$70 per day, as set forth in the General Appropriations Bill, as introduced, and would be subject to change with each appropriation bill enactment, or with a change in the policy adopted by the House.

Because the additional cost associated with the proposed amendment would depend upon future actions of the Legislature in the appropriations act and in the policies adopted by the two houses, the dollar amount of the increase in cost in each of the five years following enactment of the amendment, and thereafter, cannot be ascertained for purposes of this fiscal note.


Jim Oliver
Director

Source: LBB Staff: JO, HS, JH, PA

F
ENROLLED

H.J.R. No. 22

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18 hundred and forty (140) days.

19 (c) In addition to the per diem the Members of each House
20 shall be entitled to mileage at the same rate as prescribed by law
21 for employees of the State of Texas. This amendment takes effect
22 on January 8, 1985. [~~This--amendment--takes-effect-on-April-22-~~
23 ~~1975-~~]

24 SECTION 2. This proposed constitutional amendment shall be

H.J.R. No. 22

1 submitted to the voters at an election to be held on November 6,
2 1984. The ballot shall be printed to provide for voting for or
3 against the proposition: "The constitutional amendment to provide
4 a per diem for members of the legislature equal to the maximum
5 daily amount allowed by federal law as a deduction for ordinary and
6 necessary business expenses incurred by a state legislator."

H.J.R. No. 22

President of the Senate

Speaker of the House

I certify that H.J.R. No. 22 was passed by the House on May 9, 1983, by the following vote: Yeas 106, Nays 36, 1 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 22 was passed by the Senate on May 24, 1983, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

APPROVED: _____

Date

Governor

RECEIVED: _____

Date

Secretary of State

H. J. R. No. 22

By Watson/E. Barton

HOUSE JOINT RESOLUTION

proposing a constitutional amendment relating to the per diem allowance for members of the legislature.

JAN 11 1983

1. Filed with the Chief Clerk.

JAN 27 1983

2. Read first time and referred to Committee on

State Affairs

4-25-83

3. Reported favorably ^(as amended) and sent to Printer at 7:00 pm ^{MAY 2 1983}
(as substituted)

MAY 3 1983

4. Printed and distributed at

1:42 pm

5-3-83

5. Sent to Committee on Calendars at

6:43 pm

MAY 9 1983

6. Read second time ^{as substituted} ~~(amended)~~ and (finally) passed ~~to Third Reading~~ by a Record Vote of 106 yeas, 36 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 9 1983

11. Ordered Engrossed at

6:13 pm

MAY 9 1983

12. Engrossed.

MAY 9 1983

13. Returned to Chief Clerk at

9:06 pm

MAY 10 1983

14. Sent to the Senate.

Bertie Murray

Chief Clerk of the House

MAY 10 1983

15. Received from the House

MAY 11 1983

16. Read, referred to Committee on STATE AFFAIRS

MAY 19 1983

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 24 1983

20. Regular order of business suspended by

n.c.
(a viva voce vote.)

(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 24 1983

22. Read second time

passed to third reading by:

(a viva voce vote.)

(_____ yeas, _____ nays.)

1983 MAY -9 PM 9:06
HOUSE OF REPRESENTATIVES

 23. Caption ordered amended to conform to body of bill.

MAY 24 1983

24. Senate and Constitutional 3-Day Rules suspended by vote of 26 yeas,
5 nays to place bill on third reading and final passage.

MAY 24 1983

25. Read third time and passed by

(a viva voce vote.)
(~~27~~ yeas, 24 nays.)

27

Betty King

Secretary of the Senate

OTHER ACTION:

OTHER ACTION:

5-24-83

26. Returned to the House.

MAY 24 1983

27. Received from the Senate (with amendments.)
(as substituted.)

28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 24 1983

31. Ordered Enrolled at 1:15pm

HOUSE OF REPRESENTATIVES

1983 MAY -3 PM 1:42